IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.382 OF 2006
IN
S.C. SUIT NO.2483 OF 2004

Malik Mohd. Qasim Noor Mohammed ...Appellant

Vs.

Ammar Hussain Taqdir Shaikh & Anr. ...Respondents

Mrs A.S.Uraizee & M.V.Singh & Ms. Shirin i/by Uraizee
& Law Associates for the Appellant.

Mr A.H. Fernandes for the Respondent Nos.1 and 2.

CORAM : A.M. KHANWILKAR, J.
DATE : JUNE 20, 2006.

P.C.:

1. Counsel for the Appellant submits that the judgment under Appeal has not adverted to the argument which was canvassed before the lower court across the bar on behalf of the Appellant. That argument was canvassed in the light of two decision of this Court. One of Division Bench and other of Full Bench. However, those aspects have not been adverted to in the impugned judgment. In the circumstances, counsel for the Appellant seeks liberty to withdraw this Appeal and move the same Trial Court for speaking to the minutes. This request is made on condition that all questions raised in this Appeal are left open to be decided by this court if and when occasion arises.

2. Counsel for the Respondent has no objection for withdrawal of this Appeal. Hence, dismissed as withdrawn with liberty as prayed.

3. Interim protection granted by the Trial Court to continue for period of two weeks from today. It is made clear that no request for further extension will be entertained by this Court. Counsel for the Appellant undertakes to give notice to Counsel for the Respondent before moving the Trial Court.

4. At this stage, counsel for the Appellant submits that he himself had appeared before the Trial Court and had offered to pay court fee to the extent of 150 times.

5. Counsel for the Respondent submits that no such offer was given before the Trial Court. I am not examining the correctness of this stand taken by the parties.

JUDGE